



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-16

LEGISTAR #: 20140850

PROPERTY OWNERS: Providence Bank
% Brad Serff
4955 Windward Parkway
Alpharetta, GA 30004

APPLICANT: Venture Homes, Inc.
% Robert White
1580 Terrell Mill Road
Suite 100
Marietta, GA 30067

AGENT: Mr. Garvis L. Sams, Jr.
Sams Larkin Huff & Balli, LLP
Suite 100
376 Powder Springs Street
Marietta, GA 30064-3448

PROPERTY ADDRESS: 1725 White Circle

PARCEL DESCRIPTION: Land Lot 08620, District 16, Parcel 0010

AREA: 9.65 acs. **COUNCIL WARD:** 4B

EXISTING ZONING: RA-6 (Single-Family Residential--Attached)

REQUEST: PRD-SF (Planned Residential Development—Single Family)

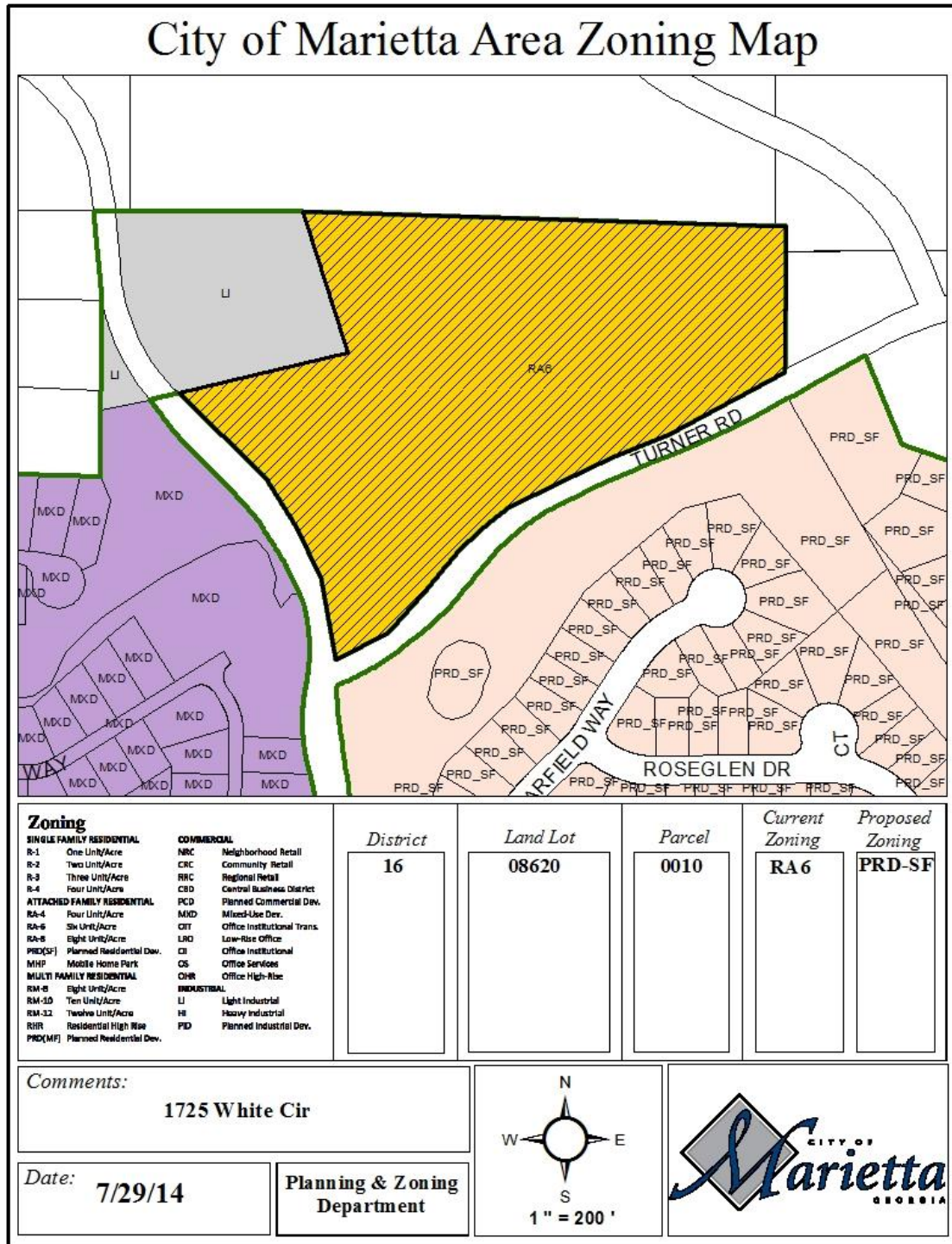
FUTURE LAND USE: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting the rezoning of this property for the purpose of constructing 32 single family detached homes.

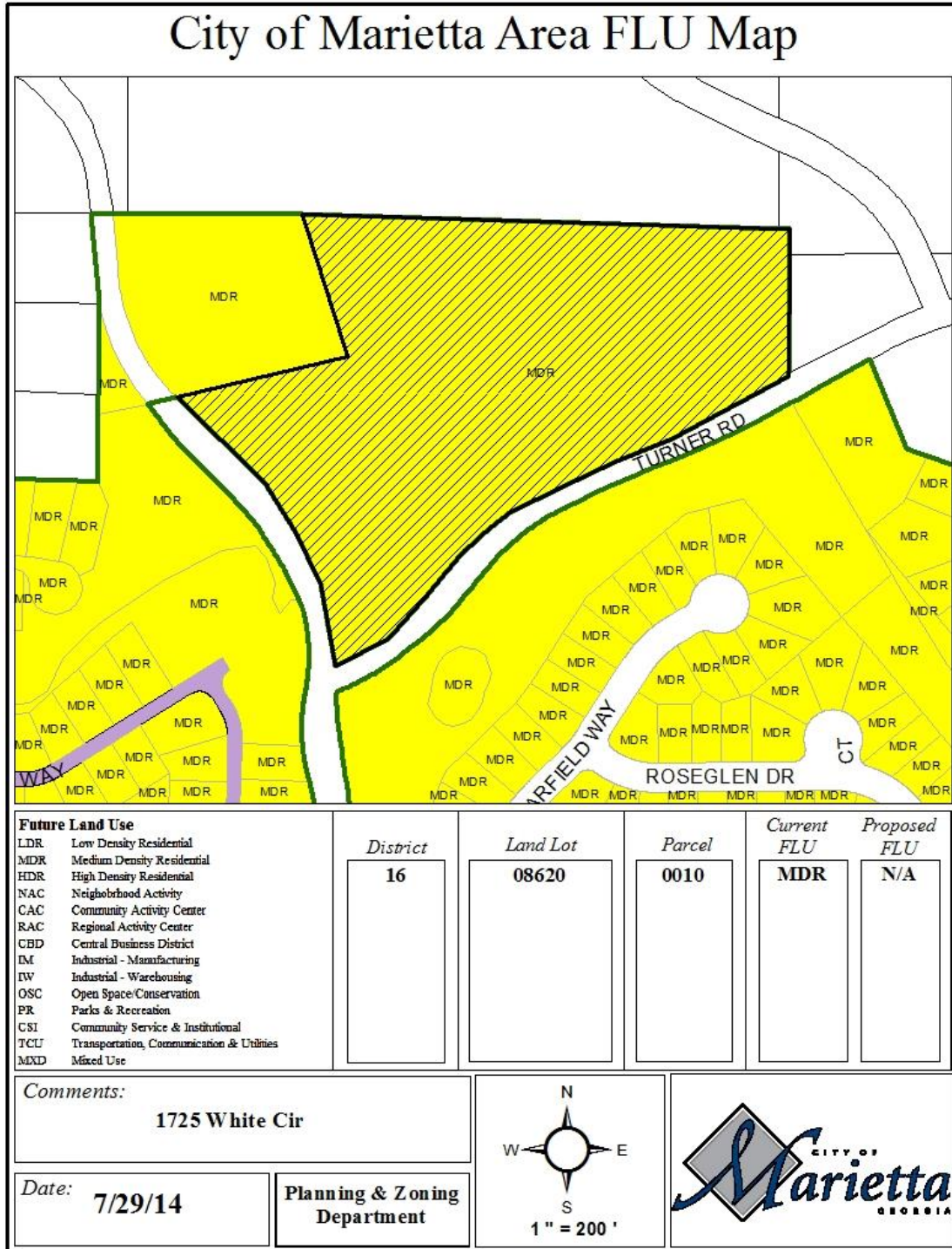
PLANNING COMMISSION HEARING: Tuesday, September 2, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, September 10, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



Subject property (from White Circle)



Subject property (from Turner Road)

STAFF ANALYSIS

Location Compatibility

Garvis L. Sams, Jr., agent for the applicant, Robert White with Venture Homes, Inc., is requesting the rezoning of 9.65 acres located at 1725 White Circle for the purpose of constructing thirty two (32) single family detached homes. The property is currently zoned RA-6 (Single Family Residential Attached – 6 units per acre); the applicant is requesting the property be rezoned to PRD-SF (Planned Residential Development – Single Family).

Summit Village, a single family detached residential development approved at a density of 4.1 units per acre, is located across Turner Road to the southeast and is zoned PRD-SF. Briarfield Subdivision, also zoned PRD-SF, is located directly to the south and is a single family detached neighborhood built at a density of 4.3 units per acre. Across White Circle to the southwest is Hamilton Grove Subdivision, another single family detached residential development approved with a net density of 3.18 units/acre, which is zoned MXD (Mixed Use Development). A structural steel manufacturing company operates on the parcel to the northwest and zoned LI (Light Industrial). A Georgia Power facility, zoned R-20 in Cobb County, is located directly to the north.

Use Potential and Impacts

This property was rezoned on November 10, 2004, with stipulations (Z2004-36), from OI (Office Institutional) to RA-6, with a maximum density of 5.36 townhouse units per acre (more information provided in *History of Property* section). The applicant is proposing to rezone the property to build thirty two (32) single family detached residences on the same 9.65 acres. Deducting the area of the property covered in floodplain or wetlands, per Section 710.10, results in a net density of 5.32 units per acre. This density is higher than the densities of the surrounding residential developments. However, this property also serves as a buffer between the nearby residential developments and the industrial area to the north.

The PRD-SF zoning category includes a regulation that requires each lot to have at least 4,000 square feet. The lots are shown as being between 31' and 42' wide, with most lots being 35' wide. Lot depths range between 137' and 61.' Most of the lots will not meet the 4,000 square foot minimum. If approved, the following variance would be necessary:

- Variance to reduce the minimum lot size from 4,000 sf to 2,000 sf(approx.) [§708.09 (H.)]

Another issue on the submitted rezoning plan is whether the depth of the lots can accommodate a house with a 15' rear setback and a driveway for two cars (note #20), which should be at least 20' deep. Lots containing houses that are 40' in length will need to be at least 75' deep (15' rear setback + 40' house + 20' driveway).

It appears that Lots 18, 25-32, and possibly 6, 19, and 24 will need reductions in either the rear setback or the driveway in order to locate the proposed houses. The front setback is also listed at 5,' which may present a problem with both the driveway length and the planting of street trees. It is likely that the required driveway and street trees will be located in, or very near, the (private) right-of-way/easement area. There is thirteen (13) feet between the property line and the back of the curb for most lots; however, the lots that have a sidewalk in front (north side of Ridge View and east side of Ridge Close) only have six (6) feet between the back of the sidewalk and the property line

The Future Land Use (FLU) designation for the subject property, as specified in Marietta's Comprehensive Plan, is Medium Density Residential (MDR). Properties with a FLU of MDR are described as being "*suitable for medium-density housing with densities ranging from three (3) to six (6) dwelling units per acre. This could include examples such as single-family detached housing, clustered housing, and/or town homes.*" With the area of the floodplain and wetlands excluded from the calculations, this project is on the higher end of the density spectrum for this future land use category, which the Comprehensive Plan suggests should be located in close proximity to an activity center. Although this project is not located near an activity center, it does function as a transition between existing communities and non-residential developments, as the Comprehensive Plan suggests. Because of these reasons, the project falls within the range of acceptable densities and would, therefore, be considered compatible with the suggestions specified in the Comprehensive Plan.

Environmental Impacts

This property contains a substantial amount of floodplain and the presence of wetlands. A stream runs along the entire length of the southern property line. The plans submitted with the rezoning application do not correctly show the 25' state stream buffer and 50' undisturbed buffer, which should be taken from the centerline of the creek instead of the top of bank. The 75' impervious buffer is omitted from the plan.

There is no indication that any endangered species are present on the proposed development site.

Economic Functionality

It appears that some preliminary grading for a previously approved development (see *History of Property* below) was started sometime in 2006. However, due to the collapse of the housing market that occurred around that time, the property has remained undeveloped and vacant. Although the housing market has since recovered, townhouses are not as desirable as single family detached homes at this time. As a result, the current RA-6 zoning is not the best suited zoning classification for the current market.

STAFF ANALYSIS

Infrastructure

The proposed right of way width for the cul-de-sacs meets what is required by code (100' diameter). However, the roadway diameters for both cul-de-sacs are only 68' feet in diameter, which does not meet the required diameter of eighty (80) feet. If this cannot be redesigned, the following variance would be necessary:

- Variance to reduce the minimum roadway diameter for a turnaround from 80' to 68.' [§730.01 (E.)]

In addition, a 5' sidewalk with 2' grass strip along the curb of White Circle is required. If additional R.O.W. is required in order for the sidewalk to remain in the R.O.W., then a Quit Claim deed will be required.

The project is anticipated to place 59 additional students into the Marietta City Schools system. Although the high school is not near capacity, the middle school is nearing capacity and the elementary school (Sawyer Road) is already 141-241 students over capacity. These additional students will place additional burdens on an already strained system. However, this property is currently zoned to allow for the same number of residential units (32). Therefore, it is unclear whether the existing zoning for townhomes will have a lessor or greater impact on the school system than the proposed single family detached product.

Cobb Water will provide water and sewer services to the development.

History of Property

The subject property was annexed in 1986; and was rezoned in 1987 from R-20 to OI, pursuant to Z-8701. In 1999, a request to rezone the subject property from OI to PRD-MF for the development of 92 condominiums at a density of 10.43 units per acre was denied, pursuant to Z-9919. This property was rezoned, with stipulations (Z2004-36), from OI (Office Institutional) to RA-6 on November 10, 2004. The stipulations approved as part of the rezoning include:

- *Change in zoning from RA-8 to RA-6 with a 35-foot minimum lot width.*
- *The zoning be site plan specific.*
- *Letter dated October 12, 2004 to Russell J. Roth, AICP, Acting Planning and Zoning Director from Garvis L. Sams, Jr. of Sams, Larkin & Huff, LLP.*
- *The town homes to be built must conform to the design of the town homes provided and labeled HERITAGE RIDGE Historic Townhome Elevations.*
- *The language "rear entry garages" shall be removed from the plan.*
- *Language in item #6 in letter dated October 12, 2004 must be included on the final plat, in the subdivision covenants and placed on each deed as a deed restriction.*
- *Provide no less than 4 guest parking spaces.*

The letter dated October 12, 2004 to Russell J. Roth, AICP, Acting Planning and Zoning Director from Garvis L. Sams, Jr. of Sams, Larkin & Huff, LLP included the following language:

1. *Rezoning of the subject property to the ~~RA-8~~ RA-6 classification specifically for the purposes of the development of a townhome style condominium community with a total number of 32 homes at a density of 5.36 units per acre.*
2. *The minimum square footage of the homes shall be 2,200 square feet with homes ranging up to 2,800 square feet.¹*

¹ Price Points are anticipated to range from the \$280's to the mid-\$300's.
3. *The architectural style and composition of the homes shall be consistent with the elevations/renderings being submitted contemporaneously herewith.*
4. *All of the homes within the residential community shall feature front loaded two-car garages. The garages shall be used for the parking and storage of vehicles and a recital shall be contained within the Covenants ensuring the same.*
5. *The establishment of a mandatory homeowners association which shall include architectural control oversights and the submission and recordation of a Declaration of Condominium.*
6. *An agreement that the homes shall be "for sale" only, that no more than ten percent (10%) of all the homes within the residential development shall be allowed to be renter occupied at any time, and that the proposed residential development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.).*
7. *The submission of a landscape plan, designed by a registered landscape architect, during the Plan Review process which shall be subject to staff review and approval and which shall include the following:*
 - a. *Sodded yards throughout the residential development.*
 - b. *The installation of underground utilities.*
 - c. *The installation of decorative light pots throughout the residential development which shall be complementary to the aforementioned architectural style and composition.*
 - d. *Landscaped and irrigated features throughout the residential community and at its entrance on White Circle.*
 - e. *Community signage on White Circle shall be ground-based, monument style, consistent with provisions of the Marietta Sign Ordinance and incorporated into the foregoing landscape plan. Said signage shall be complemented by appropriate landscaping which shall be irrigated.*
8. *Compliance with the recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management and down stream considerations, including, but not limited to, recommendations regarding the ultimate configuration and location of on site detention and/or water quality ponds.²*

² The applicant will agree to maintain 50' stream bank buffers and will convey a restrictive easement to the City of Marietta with respect to said buffers so that they will remain inviolate in perpetuity.
9. *Compliance with recommendations from the City of Marietta Public Works Department with respect to traffic/transportational issues, including the following:*

- a. *The voluntary donation and conveyance of right-of-way along White Circle so that the City can achieve sufficient distance from the roadway centerline as shown on the site plan submitted with the application.*
- b. *Agreeing to a 10' no access easement along White Circle except, of course, with respect to the residential community's entrance thereon.*
- c. *The construction of a 150' acceleration lane and a 150' deceleration lane with appropriate tapers with respect to both if required by the Public Works Department.*
- d. *The installation and construction of private streets throughout the residential community which shall be maintained by the mandatory homeowners association.*

Other Issues

Should this property be rezoned as requested to PRD-SF, the plan submitted with the application will be filed as the General Plan for the property. Prior to the issuance of a land disturbance permit, a Detailed Plan for the development will need to be approved by City Council under current regulations. Detailed plan submittals should include proposed bulk and area regulations for lot development, architectural elevations, and a tree protection and landscape plan.

Conceptual elevations, showing only the front of the homes, have been submitted with the application. The stipulation letter provided by the applicant states that the homes will consist of brick, stacked stone, hardy plank shake and hardy plank siding or a combination thereof. PRD-SF does not contain a maximum height for homes, unless approved as part of the detailed plan.

It should also be noted that PRD-SF does not contain a rental restriction for single family detached homes. Single family attached homes developed under the PRD-SF classification are limited to “*for sale*” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.” If this desired by Council, an additional stipulation would be necessary.

ANALYSIS & CONCLUSION

Garvis L. Sams, Jr., agent for the applicant, Robert White with Venture Homes, Inc., is requesting the rezoning of this property from RA-6 to PRD-SF for the purpose of constructing 32 detached single family homes. Summit Village, Briarfield, and Hamilton Grove, all single family detached residential developments, are located to the south. A structural steel manufacturing company operates on the parcel to the northwest and is zoned LI while a Georgia Power facility, zoned R-20 in Cobb County, is located directly to the north. Although the density is higher than the densities of the surrounding residential developments, the property also serves as a buffer between the nearby residential developments and the industrial area to the north.

There is an issue whether many of the lots are deep enough to accommodate a two-car driveway, house, and rear setback. It is likely either the setback will need to be reduced or the portion of the driveway will have to extend into the private right of way. The following are other issues that will need to be redesigned or granted variances:

1. Variance to reduce the minimum roadway diameter for a turnaround from 80' to 68'.
[§730.01 (E.)]
2. Variance to reduce the minimum lot size from 4,000 sf to 2,000 sf. [§708.09 (H.)]

This property contains a substantial amount of floodplain and the presence of wetlands. A stream runs along the entire length of the southern property line. The plans submitted with the rezoning application incorrectly show the 25' state stream buffer and 50' undisturbed buffer taken from the centerline of the creek instead of the top of bank. The 75' impervious buffer is omitted from the plan.

The project is anticipated to place 59 additional students into the Marietta City Schools system. Although neither the high school nor middle school is at capacity, Sawyer Road Elementary School is already 141-241 students over capacity. These additional students will place additional burdens on an already strained system. However, this property is currently zoned to allow for the same number of residential units (32). Therefore, it is unclear whether the existing zoning for townhomes will have any more of an impact on the school system than the proposed single family detached product.

The FLU for this property is Medium Density Residential (MDR), which is suitable for attached and detached housing with densities ranging from three (3) to six (6) dwelling units per acre. Although this project is not located near an activity center, it does function as a transition between existing communities and non-residential developments, as the Comprehensive Plan suggests. The project falls within the range of acceptable densities and would be considered compatible with the suggestions specified in the Comprehensive Plan.

Prepared by: _____

Approved by: _____

DATA APPENDIX

DRAINAGE & ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	Yes
What percentage of the property is in the flood plain?	40% +/-
What is the drainage basin for the property?	Noonday 4
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	Yes
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	Yes
Are there other topographical concerns on the parcel?	Steep slopes & existing walls
Are the storm water issues related to the application?	---
Potential presence of endangered species in the area?	No

TRANSPORTATION -

What is the road effected by the proposed change?	White Circle Turner Road
What is the classification of the road?	White Circle: Local Turner Road: Collector
What is the traffic count for the road?	---
Estimated # of cars generated by the proposed development?	---
Estimated # of trips generated by the proposed development?	---
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- New site Plans will be required for construction and must include, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property, roads, and areas), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if it is required. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- Since no monthly reports have been submitted to GA EPD, the property construction falls under the new NPDES General Permit (Common Development). This will require a completely new set of plans, and reviews including review by the GSWCC for the Cobb County Soil and Water Conservation District after approval from the City review.
- The existing sediment basin must be cleaned of sediment build-up prior to construction to ensure adequate capacity, and to install the retrofit/skimmer (required by new Manual), and the stone filter ring.
- Please utilize the March 4, 2013 FEMA FIRM Panel 13067C0102 available from Cobb GIS for the 100 year flood plain. It appears very close to what is on the current Rezoning Plat. However, please delineate the Future Conditions flood plain as well as the 100 year flood plain per Ordinance and GA EPD requirements. The Rezoning Plat does not reference the FIRM information.
- The 75' Impervious Area Setback as required in the City Code is not shown.
- It appears that the 25' and 50' stream buffers were measured from the centerline of stream not the wrested vegetation line / top of bank. This should not be a factor for the development because of the existing wall.
- A safety railing must be installed along the top of the wall(s).
- An easement will be required for the access ramp to the basin area.
- Geotech report and adequacy is required for the basin wall(s) and also the wall along the creek.
- A 5' sidewalk with 2' grass strip along the curb of White Circle is required. If additional R.O.W. is required in order for the sidewalk to remain in the R.O.W., then a Quit Claim deed will be required.
- In September 2009 it was clearly evident that the culvert under White Circle carrying the creek was undersized. As part of this site construction, the Public Works Director requests a meeting to discuss upgrade of this culvert.



DATA APPENDIX CONTINUED

MARIETTA POWER – ELECTRICAL

Does Marietta Power serve this site?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If not, can this site be served?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
What special conditions would be involved in serving this site?		
Additional Comments: We do not currently serve it but we have lines within a half mile of the property. Should a project be built on the property that qualifies as a customer choice load, we would probably go after it. The address falls in Cobb EMC and GP shared territory and carries no MBLW corridor rights.		

MARIETTA FIRE – EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 56
Distance to the nearest station?	3.0 miles
Most likely station for 1 ST response?	Station 56
Service burdens at the nearest city fire station (under, at, or above capacity?	None
Other than the questions above, please comment on any issues you might have concerning this request for rezoning or variance. <u>Comments:</u> *Comply with all state and local codes for occupancy classification including but not limited to sprinkler system, fire alarm system, and protection of hazards.	

DATA APPENDIX CONTINUED

COBB COUNTY WATER

Is there a water line adjacent to the property?	Yes
If not, how far is the closest water line?	
Size of water line?	8" in White Circle, 8" in Turner Road
Capacity of water line?	
Approximate water usage by proposed use?	

COBB COUNTY SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	On-site
Size of sewer line?	10"
Capacity of the sewer line	A.D.F. Peak
Estimated waste generated by proposed development?	
Treatment Plant Name?	Noonday
Treatment Plant Capacity?	20 MGD monthly average
Future Plant Availability?	0-5 years



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Elementary School System Servicing Development	Sawyer Road
Middle School Servicing Development	Marietta Middle
High School Servicing Development	Marietta High
Capacity at Elementary School	500-600
Capacity at Middle School	1300-1400
Capacity at High School	2500-2600
Current enrollment of Elementary School	741
Current enrollment of Middle School	1376
Current enrollment of High School	2073
Number of students generated by present development	-0-
Number of students projected from the proposed development	59
New schools pending to serve this area	None
<u>Comments:</u>	